

Victoria Foxworthy et al v. Sluss et al.

Case No.: 2:18-cv-40

Objection to Request for a Stay

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION

VICTORIA B. FOXWORTHY, MOTHER
NEXT-OF-KIN AND CO-ADMINISTRATOR
OF THE ESTATE OF JARROD TY FOXWORTHY,
DECEASED; ROBERT B. HINES, II,
CO-ADMINISTRATOR OF THE ESTATE OF
JARROD TY FOXWORTHY, DECEASED

PLAINTIFFS

vs. Case No: 2:18-cv-40-JPJ-PMS

RYAN JOSEPH SLUSS
JERRY SHULER
CHARLES CARTER and
WILLIAM A. MARSHALL

DEFENDANTS

OBJECTION TO REQUEST FOR A STAY

Now come the Defendants, Sluss, Shuler, Carter and Marshall, by their Counsel, and object to their request for a stay of the civil proceeding.

1. The ongoing criminal proceeding will not thwart the discovery process, should the Court deny the pending Motion to Dismiss. The BOP will have any needed records that would be potentially relevant to the claims, and there has been no subpoenas issued yet for records;
2. The Defendants intend to submit Affidavits in support of a Rule 56 Motion expeditiously should the Court deny the Motion to Dismiss;
3. The Defendants have asserted a qualified immunity defense that deserves resolution prior to a protracted litigation.

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Respectfully submitted,

RYAN JOSEPH SLUSS
JERRY SHULER
CHARLES CARTER
WILLIAM A. MARSHALL
BY COUNSEL

/s/ Timothy W. McAfee

Timothy W. McAfee

Virginia State Bar #: 21779

Tennessee BOPR #: 020590

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CERTIFICATE OF SERVICE

I, Timothy W. McAfee, do hereby certify that I have electronically filed the foregoing

Objection to Stay with the Clerk of the Court using the CM/ECF system which will send

notification of such filing to all Counsel of record on **5/15/19**.

/s/ Timothy W. McAfee

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